



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Department of Criminal Justice Services
VAC Chapter Number:	6VAC20-50-10 et seq.
Regulation Title:	Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers
Action Title:	Jail, Court Security, Civil Process Minimum Training Standards
Date:	11/18/05

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The standards and regulations governing the training and certification of jailors, courthouse and courtroom security officers in Virginia currently in effect were completed in 1987 with some amendments in 1990. The Department of Criminal Justice Services conducted a comprehensive job task analysis for these officers during 2002-03 and is updating standards and training objectives to be consistent with performance expectations for jailors, courtroom and courthouse security officers and process service officers in the Commonwealth.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

The Code of Virginia requires that jailors, courtroom and courthouse security officers and process service officers must comply with established minimum training standards in order to be certified. Legislative authority to promulgate regulations relating to dispatchers is granted to the Criminal Justice Services Board (CJSB) pursuant to **Section 9.1-102, paragraphs 7, 8, and 9 of the Code of Virginia.**

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The Jail, Court Security, Civil Process Service Job Task Analysis provides a direct connection between the work of a job and the training for that work. Training standards directly impact the training by which jailors, courtroom and courthouse security officers and process service officers may be held accountable for ensuring public safety and welfare. Without these requirements, which must be updated on a periodic basis, the safety and welfare of the public may be compromised. Therefore, the amendments to the regulations are being proposed specifically to ensure that training and certification of jailors, courtroom and courthouse security officers and process service officers are based on timely data. The goal of responding to the public safety and welfare of citizens of the Commonwealth is most strongly supported by standards that are reviewed and updated by the process utilized herein.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

The proposed amendments to the regulation revise it in four significant areas:

- (1). The regulation is amended to incorporate changes to the minimum training standards in a format that is consistent with the changes made to the minimum training standards for law enforcement officers and dispatchers.
- (2). The regulation is amended to separately identify the minimum training required for each type of position governed by this regulation in order to provide a method to certify such officers separately. This allows sheriffs the opportunity to hire and train qualified personnel for duties that relate to court security or process service without requiring these personnel to become certified as a jailor.
- (3). The regulation is amended to add a standing Curriculum Review Committee with responsibilities for an annual review of the minimum training standards and utilization of a process for adopting suggested changes that is less expensive and that provides a timely method for incorporating needed changes in training.
- (4). The regulation is amended to incorporate field training requirements.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The advantage to the public, employers, and the Commonwealth is having trained personnel serving as jailors, court security officers, and civil process service officers to assure a minimum level of competency in these areas of public safety. There is no disadvantage to this.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

1. Currently, those persons hired to work only court security and civil process are also required to go through the entire jailor training in addition to their separate training requirements. The separation of training requirements for jailor, court security officer,

and civil process service officer will result in some cost savings for the reduced amount of time that these persons will be in training.

2. The establishment of an approval process by the Committee on Training to adopt changes to training objectives, criteria for testing, and lesson plan guide information reduces the time and costs involved in staying updated. A complete APA adoption process may take 18 months and \$5,000. This revised process was initially adopted to provide for changes in training standards for law enforcement and then for dispatcher standards. The result has been annual review and changes with a cost approximately of \$500.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

6VAC20-50-10 Definitions.

Added definitions to “Agency administrator, Academy director, Approved training, Certified training academy, Compulsory minimum training standards, and Curriculum Review Committee.” Removed definition of “Approved training school.”

6VAC20-50-20 Compulsory minimum training standards.

Removed all items related to A through C, Jailors or Custodial Officers, Courtroom Security Officers and Process Service Officers.

Added specific training requirements detailed in the document Performance Outcomes for Compulsory Minimum Training for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers, November, 2005. Added specifics on academy training categories and field training performance outcomes for each position (A through G.).

6VAC20-50-21 Approval Authority.

Added a revised process for adopting changes to the training objectives, criteria for testing, and lesson plan guide information that is consistent with the process now used for changes to entry-level law enforcement officer and entry-level dispatcher training.

6VAC20-50-30 Applicability.

Separated the minimum training requirements for the positions of jailor, court security officer, and process service officer and identified what a person employed in each position must complete in terms of minimum training requirements.

6VAC20-50-40 Time requirement for completion of training.

Technical changes to conform to changes in other sections.

6VAC20-50-50 How compulsory minimum training may be attained.

Defines how minimum training standards may be achieved, notes estimated effective dates and provides for a year’s transition from the current requirements to the new requirements.

6VAC20-50-60 Certified training academies.

Revises the definition of a certified training academy to be consistent with the same revision adopted in the law enforcement and dispatcher standards.

6VAC20-50-70 Grading.

Removes current A that relates to the current requirement; sets forth grading requirements using revised terminology and adds requirement for maintenance of tests, grades and testing procedures according to the Code of Virginia. Removes D relating to firearms training that is no longer suitable.

6VAC20-50-80 Failure to comply with rules and regulations.

Removes current wording and adds wording that more clearly states expectations and consequences of attendance at a training academy.

6VAC20-50-90 Administrative requirements.

Removes current words and adds wording that conforms with the changes made throughout the regulation.

6VAC20-50100 Effective date.

Provides an effective date of July 1, 2006.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

There are no alternatives available to meet the requirements for this regulation.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

**SUMMARY MATRIX OF COMMENTS AND RECOMMENDATIONS REGARDING
“NOIRA”
REGULATIONS RELATING TO COMPULSORY MINIMUM TRAINING FOR
JAILORS, COURT SECURITY OFFICERS AND PROCESS SERVICE OFFICERS,
6VAC20-50**

PART I.	DEFINITIONS.		
<i>Regulation Cite</i>	<i>Comments/Issues/Recommendations</i>	<i>Respondent(s)</i>	<i>Agency Response</i>

6VAC20-50-20	Recommends that Sheriffs have the option to train persons hired solely to perform the duties of court security and/or civil process service in those areas without mandatory attendance at the entire basic jailor school.	Sheriff Jimmy Weaver, Amelia Co.	This provision has been incorporated into the changes in the Rules. The performance outcomes are listed separately for each position and if adopted, individuals need only be certified in the area for which they are employed.
6VAC20-50-20	Same recommendation as above.	Sheriff C.W. Jackson, Westmoreland Co.	Same response as above.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation has been reviewed by approximately 20 people throughout the development process. It is understood by individuals and entities affected.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The revised regulation provides for an annual review after it is adopted.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The impact on the family is indirect. Improving training for personnel in any public safety position contributes to public safety.